

## CLAIM AMENDMENT

Please amend the claims as follows:

1) (Previously presented) A promoter comprising an isolated polynucleotide sequence selected from the group of polynucleotide sequences consisting of:

a) a polynucleotide sequence comprising the sequence of SEQ ID NO:4; and

b) a polynucleotide sequence comprising a fragment of the sequence of SEQ ID NO:4 with promoter function;

wherein the promoter is operably linked to a transcribable polynucleotide molecule.

2) (Original) A construct comprising the promoter of claim 1, wherein said promoter is operably linked to a transcribable polynucleotide molecule operably linked to a 3' transcription termination polynucleotide molecule.

3) (Original) The construct of claim 2, wherein said transcribable polynucleotide molecule is a gene of agronomic interest.

4) (Original) The construct of claim 2, wherein said transcribable polynucleotide molecule is a marker gene.

5) (Original) A transgenic, seed-producing dicotyledonous plant stably transformed with a construct comprising the promoter of claim 1, wherein said promoter is operably linked to a transcribable polynucleotide molecule operably linked to a 3' transcription termination polynucleotide molecule.

6) (Original) The transgenic dicotyledonous plant of claim 5, wherein said plant is a dicotyledonous plant selected from the group consisting of tobacco, tomato, potato, peanut, soybean, cotton, canola, rapeseed, safflower, flax, sugarbeet, *Arabidopsis*, Brassica, sunflower, and alfalfa.

- 7) (Original) The transgenic dicotyledonous plant of claim 5, wherein said transcribable polynucleotide molecule confers altered oil content in the seed to said transgenic plant.
- 8) (Original) The transgenic dicotyledonous plant of claim 5, wherein said transcribable polynucleotide molecule confers altered protein quality in the seed to said transgenic plant.
- 9) (Original) The transgenic dicotyledonous plant of claim 5, wherein said transcribable polynucleotide molecule confers altered micronutrient content in the seed to said transgenic plant.
- 10) (Previously presented) A seed of said transgenic plant of claim 5, wherein the seed comprises said construct.
- 11) (Canceled)
- 12) (Original) Meal from said transgenic plant of claim 5.
- 13) (Original) A method of making a vegetable oil and meal, comprising the steps of: a) incorporating in the genome of a dicotyledonous seed producing, oil-containing plant a promoter according to claim 1 operably linked to a transcribable polynucleotide molecule conferring altered oil content; b) growing the dicotyledonous plant to produce seeds; and c) extracting oil from the seed to produce extracted oil and meal.
- 14) (New) The promoter of claim 1, wherein the promoter comprises the sequence of SEQ ID NO:4.
- 15) (New) The promoter of claim 1, wherein the promoter comprises a fragment of SEQ ID NO:4 with promoter function.
- 16) (New) The construct of claim 2, wherein the promoter comprises the sequence of SEQ ID NO:4.

- 17) (New) The construct of claim 2, wherein the promoter comprises a fragment of SEQ ID NO:4 with promoter function.
- 18) (New) The transgenic, seed-producing dicotyledonous plant of claim 5, wherein the promoter comprises the sequence of SEQ ID NO:4.
- 19) (New) The transgenic, seed-producing dicotyledonous plant of claim 5, wherein the promoter comprises a fragment of SEQ ID NO:4 with promoter function.
- 20) (New) The seed of claim 10, wherein the promoter comprises the sequence of SEQ ID NO:4.
- 21) (New) The seed of claim 10, wherein the promoter comprises a fragment of SEQ ID NO:4 with promoter function.
- 22) (New) The method of claim 13, wherein the promoter comprises the sequence of SEQ ID NO:4.
- 23) (New) The method of claim 13, wherein the promoter comprises a fragment of SEQ ID NO:4 with promoter function.